

REMARKS

Claims 1-3 and 6-16 are pending in the application.

Claim Rejections - 35 U.S.C. 112

Claims 1-3 and 6-16 stand rejected under 35 U.S.C. 112, 1st paragraph and 2nd paragraph, as failing to comply with the written description requirement and as being indefinite.

The examiner points out that the claim language “arranged entirely within the end faces of the second arms” seems to be contradictory to the drawings where Figs. 2-3 show that the inserts 24, 25 are protruding axially from the end of the arms 10, 11 (axial in the axis direction of the bolt being cut). Therefore “entirely within the end faces” appears to be wrong.

In the remarks made in “Response to Arguments”, Examiner requested that the above issues be clarified by amendment and indicated that the subject matter may be given favorable consideration depending on how the claims are amended.

The claims 1 and 16 have been amended in that it is now set forth that the cutting inserts are arranged within the end faces of the second arms in such a way that the cutting inserts do not project past an end of the second arms that is remote from the pivots, respectively.

As discussed in the amendment dated 9/13/06, the present invention differs from *Krenn (FR 2,529,813)* in that the cutting inserts 24, 25 are identical and are mounted within the end faces 12, 13 of the second arms 10, 11 mirror-symmetrical to one another (see Fig.2). The cutting inserts 24, 25 do not project upwardly past the pivot levers 1, 2 (see Fig. 1), i.e., past the end of the second arms remote from the pivots as now defined in amended claims 1 and 16. The cutting inserts 24, 25 are therefore supported completely on the arms 10, 11 of the pivot levers 1, 2 during the cutting process so that even high shearing forces can provide a clean cut without burrs.

Applicant believes that the amendments to the claim language now clearly defines the invention and complies with 35 USC 112, 1st and 2nd paragraphs. The arrangement of the cutting inserts as claimed is apparent from the drawings and paragraph 0016 of the specification where the arrangement of the cutting inserts in the recesses of the arms 10, 11 is explained in detail.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on December 20, 2006,

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